

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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United States of America,

Case No. 22-cr-203 (ADM/TNL)

Plaintiff,

v.

**ORDER**

Alejandro Ray Seals (2),

Defendant.

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This matter is before the Court on Defendant Alejandro Ray Seals’ Motion for Continuance of Motions and Motion Hearing. (ECF No. 17.) Defendant has also filed a Statement of Facts in Support of Exclusion of Time Under Speedy Trial Act (“Statement of Facts”). (ECF No. 18.)

Defendant moves for a continuance of the motion filing deadline, motion hearing date, and related dates. (ECF No. 17.) Specifically, Defendant requests that the motion filing deadline be extended from October 11 to November 14, 2022. (*Id.*) Defense counsel notes that she was recently appointed as CJA counsel due to a conflict, and a “continuance is necessary to complete the discovery review and investigation and to ensure enough time to confer with [Defendant].” (*Id.*) In his Statement of Facts, Defendant requests that this period of time be excluded from the time in which he would otherwise be brought to trial under the Speedy Trial Act. (ECF No. 18.) The Government does not object to the motion. (ECF No. 17.)

Pursuant to 18 U.S.C. § 3161(h), this Court finds that the ends of justice served by granting a continuance outweigh the best interests of the public and Defendant in a speedy trial and such continuance is necessary to provide Defendant and his counsel reasonable time necessary for effective preparation and to make efficient use of the parties' resources.

Additionally, beginning on March 13, 2020, and continuing thereafter, the Chief District Judge for the United States District Court for the District of Minnesota has issued a series of General Orders in connection with the COVID-19 pandemic, addressing, among other things, criminal proceedings and trials.<sup>1</sup> On September 14, 2022, Chief Judge Patrick J. Schiltz entered General Order No. 39, which allows limited in-person proceedings for defendants who decline to consent to conducting the proceeding using videoconferencing, or telephone conferencing if videoconferencing is not reasonably available. *See generally In re: Updated Guidance to Court Operations Under the Exigent Circumstances Created by COVID-19*, Gen. Order No. 39 (D. Minn. Sept. 14, 2022). General Order No. 39 states that because only limited in-person proceedings may be held each day, criminal proceedings may be continued until the date that the criminal proceeding takes place.

General Order No. 39 continues to encourage the use of videoconferencing in criminal proceedings and states that, with the defendant's consent, criminal proceedings will be conducted by videoconferencing, or telephone conferencing if videoconferencing is not reasonably available.<sup>2</sup> General Order No. 39 further provides that the presiding judge

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<sup>1</sup> All General Orders related to the COVID-19 pandemic may be found on the Court's website at <https://www.mnd.uscourts.gov/coronavirus-covid-19-guidance>.

<sup>2</sup> *See also* General Order No. 38, which went into effect on September 17, 2022, vacated General Order No. 37, and extended the Court's authorization to conduct certain criminal proceedings via video or telephone conference pursuant to the CARES Act "[b]ecause the emergency created by the COVID-19 outbreak continues to materially

will enter orders in individual cases to extend deadlines and exclude time under the Speedy Trial Act to address delays attributable to COVID-19. **Accordingly, should Defendant file pretrial motions, counsel shall also file a letter indicating whether Defendant consents to a motions hearing by videoconference.** (ECF No. 12.)

Based on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendant's Motion for Continuance of Motions and Motion Hearing (ECF No. 17) is **GRANTED**.

2. The period of time from **October 10 through December 12, 2022**, shall be excluded from Speedy Trial Act computations in this case.

3. All motions in the above-entitled case shall be filed and served consistent with Federal Rules of Criminal Procedure 12(b) and 47 on or before **November 14, 2022**.<sup>3</sup> D. Minn. LR 12.1(c)(1). Two courtesy copies of all motions and responses shall be delivered directly to the chambers of Magistrate Judge Tony N. Leung.<sup>4</sup>

4. **Counsel shall also file a letter on or before November 14, 2022, indicating whether Defendant consents to a motions hearing by videoconference.**

5. **Counsel shall electronically file a letter on or before November 14, 2022, if no motions will be filed and there is no need for a hearing.**

6. All responses to motions shall be filed by **November 30, 2022**. D. Minn. LR

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affect the functioning of court operations in the District of Minnesota." *In re: Updated Guidance to Court Operations Under the Exigent Circumstances Created by COVID-19*, Gen. Order No. 38 (D. Minn. Sept. 14, 2022).

<sup>3</sup> "Before filing a motion under Fed. R. Crim. P. 12(b), the moving party must confer with the responding party. The parties must attempt in good faith to clarify and narrow the issues in dispute." D. Minn. LR 12.1(b).

<sup>4</sup> U.S. Mail or hand-deliver to 300 South Fourth Street, Suite 9W, Minneapolis, MN 55415.

12.1(c)(2).

7. Any Notice of Intent to Call Witnesses<sup>5</sup> shall be filed by **November 30, 2022**. D. Minn. LR 12.1(c)(3)(A).

8. Any Responsive Notice of Intent to Call Witnesses<sup>6</sup> shall be filed by **December 5, 2022**. D. Minn. LR 12.1(c)(3)(B).

9. A motions hearing will be held pursuant to Federal Rules of Criminal Procedure 12(c) where:

- a. The Government makes timely disclosures and a defendant pleads particularized matters for which an evidentiary hearing is necessary; or
- b. Oral argument is requested by either party in its motion, objection or response pleadings.

10. If required and subject to further order of the Court, the motions hearing shall be heard before Magistrate Judge Tony N. Leung on **December 12, 2022**, at **10:00 a.m.**, in **Courtroom 9W**, Diana E. Murphy U.S. Courthouse, 300 South Fourth Street, **MINNEAPOLIS**, Minnesota 55415. D. Minn. LR 12.1(d).

**11. TRIAL:**

a. **IF NO PRETRIAL MOTIONS ARE FILED BY DEFENDANT:**  
**the following trial and trial-related dates are:**

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<sup>5</sup> “When a party intends to call witnesses at a hearing on a motion under Fed. R. Crim P. 12(b), the party must file a notice within 35 days after the arraignment. The notice must identify the number of witnesses whom the party intends to call, the motion or motions that each witness will be addressing, and the estimated duration of each witness’s testimony.” D. Minn. LR 12.1(c)(3)(A).

<sup>6</sup> “If after reviewing a notice under LR 12(c)(3), a party intends to call witnesses at the same hearing, that party must file a responsive notice within 38 days after the arraignment. The responsive party must identify the number of witnesses whom the party intends to call, the motion or motions each witness will be addressing, and the estimated duration of each witness’s testimony.” D. Minn. LR 12.1(c)(3)(B).

